

## August 2006 Unified Program Newsletter

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### California Environmental Protection Agency

#### **Final Regulations: Unified Program Single Fee System for State Agencies**

The final regulation became permanent July 13, 2006. Currently, DTSC is the only state agency serving as a CUPA and the only counties affected by the new regulations are Imperial and Trinity. The Final Regulations can be seen at the following page: <http://www.calepa.ca.gov/publications/Title27/article5.pdf>

#### **State Surcharge for Fiscal Year 2006/2007**

The State CUPA Surcharge will not change for fiscal year 2006/2007. The rates are:

<b>Hazmat</b> (Formerly "CUPA Oversight" or Part A)	\$24.00
<b>Underground Storage Tank</b> (Formerly Part B)	\$15.00
<b>California Accidental Release Prevention Program</b> (Formerly Part D)	\$270.00

### State Water Resources Control Board

#### **CUPA Quarterly Reporting (Report 6)**

For the January-March 2006 quarter, 91 CUPAs and PAs (76% of the 120 CUPAs/PAs) submitted quarterly reports (Report 6, Title 27 regulations). UST inspections for Significant Operational Compliance (SOC) totaled 2,988, compared to the previous quarter's 3,128 inspections. Local agencies reported that 73% of inspected facilities were in SOC with release detection requirements, 78% were in SOC with release prevention requirements, and 70% were in SOC with both release detection and release prevention requirements. CUPAs issued 11 Red Tags during this quarter.

As of March 31, 2006, there were 15,946 UST facilities; 37,903 active and 122,716 closed petroleum USTs; and 3,301 active and 20,149 closed hazardous substance USTs. During the January-March 2006 quarter, the following closures were reported: 50 UST facilities, 272 petroleum USTs, and 58 hazardous substance USTs.

UST Program Contact: Terry Snyder ([tsnyder@waterboards.ca.gov](mailto:tsnyder@waterboards.ca.gov); 916-341-5385)

### **Service Technician Requirement for Remote Monitoring Providers**

Remote monitoring services often employ personnel with the ability to remotely access UST monitoring systems and modify system parameters. Examples of system parameters that are modified remotely include enabling or disabling sensors, enabling or disabling pump shutdown in response to an alarm, and changing the frequency of precision automatic tank gauge or electronic line leak detector testing. These tasks fall under the general category of monitoring system maintenance or calibration, and must only be done by a qualified service technician. On the other hand, remote-monitoring personnel who access monitoring system information remotely but do not change system parameters (e.g., check for leak detection alarms, schedule fuel deliveries, dispatch maintenance personnel, etc.) would not need to be qualified service technicians. State Water Board staff has been working with remote monitoring providers to make sure the service technician requirements are understood and followed.

UST Program Contact: Laura Chaddock ([lchaddock@waterboards.ca.gov](mailto:lchaddock@waterboards.ca.gov); 916-341-5870) or Scott Bacon ([sbacon@waterboards.ca.gov](mailto:sbacon@waterboards.ca.gov); 916-341-5873)

### **ICC Certification Status**

As of June 30, 2006, a total of 466 persons had obtained ICC UST Inspector Certificates. We recommend that, when an UST inspector signs UST facility inspection reports, the inspector also include his or her ICC UST Inspector Certificate number. Other ICC California UST programs: Designated UST Operators -3880; UST Service Technicians -948; UST Installers with a California address - 615.

UST Program Contact: Laura Chaddock ([lchaddock@waterboards.ca.gov](mailto:lchaddock@waterboards.ca.gov); 916-341-5870).

### **Department of Toxic Substances Control**

#### **DTSC's Regulations for UPA Corrective Action Qualifications**

The California Department of Toxic Substances Control's (DTSC's) proposed regulations establishing corrective action qualifications for Unified Program Agencies (UPAs) were approved by the Office of Administrative Law on July 20, 2006. After a 30-day review by the Secretary of State, the regulations are expected to become final around the end of August. The proposed regulations establish qualifications and a procedure for determining whether UPAs are qualified to implement corrective action at facilities under their jurisdiction. DTSC must adopt regulations specifying these procedures and criteria to provide to unified program agencies authority for environmental assessment and corrective action at unified program facilities.

The regulations establish two tiers of qualifications for UPAs allowing them to select the level of qualification best suited to the types of facilities and corrective action they intend to address, and to provide a general procedure for conducting corrective action consistent with the requirements DTSC uses to ensure consistency throughout the state. Tier 1 is intended for UPAs that intend to require only simple soil removals. Tier 2 is for the UPA that seeks to require any type of corrective action at any facility under its jurisdiction. The qualifications for Tier 2 require more specialized expertise in the areas of engineering, geology and toxicology, as well as more experience than in Tier 1. A UPA qualified in Tier 1 may conduct or require corrective action at less complex sites, defined in part as a site at which the selected corrective action alternative is removal and disposal of no more than 60 cubic yards of contaminated soil and the remaining contamination at the site does not pose a significant threat to human health. A UPA qualified for Tier 2 may require or undertake corrective action at any facility under its jurisdiction.

In anticipation of the UPA Corrective Action regulations becoming final, DTSC has moved ahead in preparing an application that can be used by CUPAs when applying. The application form, along with the instructions, will help CUPAs determine the information necessary to produce a complete application. The application form and instructions are currently under review by members of the CalCUPA Forum. After the proposed regulations are final, DTSC plans to hold at least two workshops to go over the application process and completion of the application form.

The text of the proposed regulations can be viewed at:

[http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/ResponseRegs\\_R9711.cfm](http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/ResponseRegs_R9711.cfm)

Inquiries regarding technical aspects of the proposed regulations may be directed to Nancy Ostrom of DTSC at (916) 324-3385 or to Karl Palmer of DTSC at (915) 445-2625.

### **Training on Hazardous Waste Tracking System for CUPAS**

The Department of Toxic Substances Control (DTSC) tracks information on hazardous waste handlers, transporters, and manifests using the Hazardous Waste Tracking System (HWTS). DTSC will provide five HWTS training classes to CUPAs in September as follows:

**September 19 – Glendale**  
**September 20 – Oroville**  
**September 21 – Sacramento**  
**September 26 – Merced**  
**September 28 – Berkeley**

The training covers searching for facilities and using manifest reports. This information can be used to look for possible mismanagement of hazardous waste to support inspection activities and enforcement actions. While the class will include a special section on the new Federal Manifest, the main curriculum of this class is the manifest tracking database itself.

Over 250 CUPA inspectors, management, and staff from 95% of all CUPAs have received training and user accounts. Training is a prerequisite to obtain an HWTS user account. DTSC can now accommodate more than three staff per agency to attend the training; for more information on enrollment eligibility and registration, please contact Rita Hypnarowski, DTSC Statewide Compliance Division, at [rhypnaro@dtsc.ca.gov](mailto:rhypnaro@dtsc.ca.gov) or (916) 255-3699.

### **Office of Emergency Services**

#### **Updated Fact Sheet on Reporting Sewage Release**

An Updated Fact Sheet on the Reporting Sewage Release is being prepared and will be on the hazmat website soon at:

<http://www.oes.ca.gov/Operational/OESHome.nsf/LevelTwoWithNav?OpenForm&Key=Hazardous+Materials> Trevor Anderson is the contact for this fact sheet and he can be reached at (916) 845-8788.

#### **Haz Mat Team Typing Assessments**

The Hazardous Materials Unit is in the process of initiating an effort to conduct evaluations of local Haz Mat Teams throughout California. The expected duration of this project is 1 ½ years, covering the roughly 120 Haz Mat Teams in California. The goals of evaluating the Haz Mat Teams are to:

- Evaluate the status and determine/verify their type level (1, 2, or 3)
- Raise all teams to a consistent level
- Identify Haz Mat resources throughout California
- NIMS compliance

Trevor Anderson is the contact for this project and he can be reached at (916) 845-8788.

#### **Regional Training**

OES is available to provide regional training on Business Plan, Area Plan, Spill Release Reporting, and CalARP Program Basics. There is a 20 student minimum for a class to be scheduled. OES is currently scheduling fiscal year 2006/2007 training and is looking for locations throughout California. For more details contact Brian Abeel at 916-845-8768.

#### **Basic Training**

OES and the Central CUPA Forum is co-sponsoring a one-day course on August 16<sup>th</sup>, 2006 in Clovis, CA. The course will cover: Business Plan Program, CalARP Program, Spill/Release Reporting Requirements. Space is still available. If interested, contact Vincent Mendes at (559) 445-3271.

**The Unified Program Section is interested in your comments and suggestions regarding the monthly newsletter. Please provide comments and suggestions to [cupa@calepa.ca.gov](mailto:cupa@calepa.ca.gov).**

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